

1 BILL NO. Z-85-06-35

2 ZONING MAP ORDINANCE NO. Z-14-85

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. F-2.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
6 WAYNE, INDIANA:

7 SECTION I. That the area described as follows is hereby  
8 designated a P.O.D. (Professional Office District) District under the  
9 terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of  
10 1974:

11 Part of LaGro Reserve in Township North, Range 12 East,  
12 Allen County, Indiana, more particularly described as  
follows, to-wit:

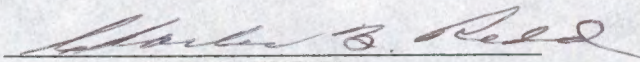
13 Commencing at the point of intersection of the West  
14 line of said LaGro Reserve with the North line of  
15 Section 8, in said Township and Range; thence East,  
16 on and along said North line, being defined by the center-  
17 line of Illinois Road (formerly State Road #14), a  
18 distance of 451.44 feet; thence Southerly, by a  
19 deflection angle right of 90 degrees 08 minutes and  
20 parallel to the West line of said LaGro Reserve, a  
21 distance of 70.0 feet to a point on the South right-  
22 of-way line of said Illinois Road as granted to the  
23 State of Indiana in Deed Record 668, pages 326 and  
24 327 in the Office of the Recorder of Allen County,  
25 Indiana, said point being the true point of beginning;  
26 thence Southerly, continuing parallel to said West line,  
27 a distance of 385.0 feet to a point on the North line  
28 of a tract of land conveyed to Bruce A. Ewing and Carolyn  
29 K. Ewing by deed dated October 23, 1963 and recorded in  
30 Deed Record 633, page 215 in the Office of said Recorder;  
31 thence Westerly, by an interior angle of 90 degrees 16 minutes,  
32 on and along the North line of said Ewing Tract, now platted  
as Terrace Estates Addition, a distance of 351.44 feet to a  
point situated 100 feet East of the West line of said LaGro  
Reserve; thence Northerly, by an interior angle of 89 degrees  
44 minutes and parallel to said West line, a distance of  
265.8 feet to a point situated 190.0 feet South of the  
North line of said Section 8; thence East, by an interior  
angle of 90 degrees 08 minutes and parallel to said North  
line, a distance of 215.44 feet; thence Northerly and  
parallel to said West line, a distance of 120.0 feet to  
a point on the aforesaid South right-of-way line of Illinois  
Road; thence East, on and along said South right-of-way line,  
being 70.0 feet South of and parallel to the North line of  
said Section 8, a distance of 136.0 feet to the true point of  
beginning, containing 2.516 acres of land, subject to all  
easements of record,



1 Bill No. Z-85-  
2 Page two

3 and the symbols of the City of Fort Wayne Zoning Map No. F-2, as  
4 established by Section 11 of Chapter 33 of the Code of the City of Fort  
5 Wayne, Indiana are hereby changed accordingly.

6 SECTION 2. That this Ordinance shall be in full force and  
7 effect from and after its passage and approval by the Mayor.  
8

9  
10   
COUNCILMEMBER

11 APPROVED AS TO FORM AND LEGALITY:

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13 BRUCE O. BOXBERGER, CITY ATTORNEY  
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Read the first time in full and on motion by Quinn, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.,E.

DATE: 6-25-85 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Stier, seconded by Talarico, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>3</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 11-26-85 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-14-85

on the 26th day of November, 1985,

ATTEST: Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL) Mark E. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P..M.,E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P..M.,E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



# PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE P.O.D.

THIS IS TO BE FILED IN DUPLICATE

I/We Austin C. Hanauer  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R.A. District to a/an P.O.D. District the property described as follows:

See attached survey

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

5129, 5131, and 5137 Illinois Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Austin C. Hanauer

1806 Ft. Wayne Nat'l Bank  
Fort Wayne, IN 46802

A. C. Hanauer

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

## NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Austin C. Hanauer

1806 Ft. Wayne Nat'l Bank  
Fort Wayne, IN 46802

424-2264

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



Legal Description of property to be rezoned.

See attached survey

Owners of Property

M/M Walter Zinnel	5129 Illinois Road	by: Robert W. Zinnel
		<i>June Hartman POD</i>
		by: June Hartman
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.



### DESCRIPTION

Part of LaGro Reserve in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at the point of intersection of the West line of said LaGro Reserve with the North line of Section 8, in said Township and Range; thence East, on and along said North line, being defined by the centerline of Illinois Road (formerly State Road #14), a distance of 451.44 feet; thence Southerly, by a deflection angle right of 90°-08' and parallel to the West line of said LaGro Reserve, a distance of 70.0 feet to a point on the South right-of-way line of said Illinois Road as granted to the State of Indiana in Deed Record 668, pages 326 and 327 in the Office of the Recorder of Allen County, Indiana, said point being the true point of beginning; thence Southerly, continuing parallel to said West line, a distance of 385.0 feet to a point on the North line of a tract of land conveyed to Bruce A. Ewing and Carolyn K. Ewing by deed dated October 23, 1963 and recorded in Deed Record 633, page 215 in the Office of said Recorder; thence Westerly, by an interior angle of 90°-16', on and along the North line of said Ewing Tract, now platted as Terrace Estates Addition, a distance of 351.44 feet to a point situated 100 feet East of the West line of said LaGro Reserve; thence Northerly, by an interior angle of 89°-44' and parallel to said West line, a distance of 265.8 feet to a point situated 190.0 feet South of the North line of said Section 8; thence East, by an interior angle of 90°-08' and parallel to said North line, a distance of 215.44 feet; thence Northerly and parallel to said West line, a distance of 120.0 feet to a point on the aforesaid South right-of-way line of Illinois Road; thence East, on and along said South right-of-way line, being 70.0 feet South of and parallel to the North line of said Section 8, a distance of 136.0 feet to the true point of beginning, containing 2.516 acres of land, subject to all easements of record.

CERTIFICATE OF SURVEY

This document is a record of ~~the~~ land and ~~and~~ estate involved in



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 25, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-06-35; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June, 17, 1985.

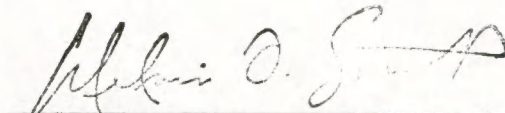
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 22, 1985.

Certified and signed this  
18th day of November 1985.

  
\_\_\_\_\_  
Melvin O. Smith  
Secretary



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR REAL ESTATE IN SECTION 7, TOWNSHIP 30 NORTH,  
RANGE 12 EAST, ALLEN COUNTY, INDIANA

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WHEREAS, Hanauer Associates, an Indiana general partnership, is the owner of certain real estate in Allen County, Indiana, more particularly described in Exhibit "A", attached hereto, and by this reference incorporated herein;

WHEREAS, Hanauer Associates being desirous of developing the attached described parcel into an insurance office facility has petitioned the City of Fort Wayne Plan Commission for a zoning ordinance amendment to permit such use, said petition bearing the number \_\_\_\_\_; and following the public hearing on said petition held on June \_\_\_\_, 1985, the Fort Wayne City Plan Commission did recommend "do pass" with regard to said ordinance amendment, with the condition that certain covenants be submitted running with the land, all as further described herein;

WHEREAS, in compliance with said conditions and to provide for the harmonious and best use of the said tract of real estate, Hanauer Associates is desirous of imposing said covenants, conditions and restrictions upon said real estate;

NOW, THEREFORE, the undersigned hereby declares that the attached described real estate or any subdivision thereof shall be limited as follows:

- A. The owner shall dedicate to the City of Fort Wayne sufficient land for a 40-foot frontage road along Illinois Road at a location determined by the City provided, however, that the southern boundary of this road shall be no more than \_\_\_\_ feet south of the south right-of-way of Illinois Road, said 40-foot frontage road to be immediately adjacent to and south of the south right-of-way of Illinois Road.
- B. The owner shall be responsible for all costs of construction including engineering costs of the frontage road across the described real estate only.
- C. All curb cuts from the described real estate onto Illinois Road shall be approved with any appropriate conditions by the City of Fort Wayne Department of Traffic Engineering, and shall be subject to review for closure when deemed appropriate by the Department of Traffic Engineering. If the property has other access to Illinois Road any curb cuts can be closed at any time in this manner without any compensation to the owner of the described property.
- D. Any structure or encroachments must be removed within the above-described area for the 40-foot frontage road, and the frontage road constructed when requested by the City of Fort Wayne Department of Traffic Engineering.
- E. If it becomes necessary for the City of Fort Wayne to institute a lawsuit to enforce the terms of this Declaration of Covenants, Conditions and Restrictions, the undersigned agree that damages are insufficient and agree the City has

(Continued)



the right to injunction relief and specific performance of this declaration along with reasonable attorney's fees.

- F. This Declaration of Covenants, Conditions and Restrictions shall run with the land and shall be binding on the undersigned, their heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed this 30<sup>th</sup> day of October, 1985.

HANAUER ASSOCIATES

By Ted Hanauer  
Ted Hanauer, General Partner

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF ALLEN     )

Before me, a Notary Public in and for said County and State, personally appeared Ted Hanauer, General Partner of Hanauer Associates, and acknowledged the voluntary execution of the foregoing for the uses and purposes therein set forth this 30<sup>th</sup> day of October, 1985.

Mar. J. Han  
- Notary Public  
A Resident of Allen County.

My Commission Expires:

12-9-85

This Instrument Prepared by Wayne L. Witmer, Attorney at Law.



ORIGINAL

DIGEST SHEET

Admn. Appr.

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-85-06-35

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 5129, 5131 & 5137 Illinois Road

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential.

Property will become P.O.D. - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_



# Division of Community Development & Planning

## BRIEF TITLE

Zoning Map Amendment

## APPROVAL DEADLINE

## REASON

## DETAILS

## Specific Location and/or Address

5129, 5131 &amp; 5137 Illinois Road

## Reason for Project

Petitioner wishes to establish an insurance office on property.

## Discussion (Including relationship to other Council actions)

June 17, 1985 - Public Hearing

Doug Morris, architect appeared for the petitioner. He stated that they want to take the residence that is presently on the property and located the nearest to Illinois Road and use it as an insurance office. He stated that there are several structures on the property. He stated they do not intend to make any significant changes to the exterior of the structure. He stated they are requesting the POD designation because it seems like a good transitory zoning which would allow them to utilize the residence already on the property. He stated that by going for a POD the Commission has the opportunity to approve the development plan.

Mr. Austin Hanauer, petitioner, stated that the intent of the rezoning request at the present is to simply set up an insurance office in the front residence and maintain the remainder of the property as it presently is.

There was no one present who wished to speak in favor of or in opposition to the

## POSITIONS

## RECOMMENDATIONS

## Sponsor

City Plan Commission

## Area Affected

City Wide

Other Areas

Applicants/  
Proponents

## Applicant(s)

Austin C. Hanauer

City Department

Other

## Opponents

Groups or Individuals

Basis of Opposition

Staff  
Recommendation☐ For☒ Against

## Reason Against

-not compatible with area  
-does not comply with Comp Plan

Board or  
Commission  
Recommendation

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

CITY COUNCIL  
ACTIONS  
(For Council  
use only)☐ Pass☐ Other☐ Pass (as amended)☐ Hold☐ Council Sub.☐ Do not pass



# DETAILS

proposed rezoning request.

July 22, 1985 - Business Meeting

Of the nine members present 8 voted in favor of approval one did not vote.

The petition was approved subject to the following conditions:

- 1) A dedication of alnd for a 40 foot frontage road is required;
- 2) An agreement to participate in the cost of construction of the frontage road is required;
- 3) All curb cuts must be approved by Traffic Engineering, and shall be subject to review for closure when deemed appropriate;
- 4) Any structure or encroahcments must be removed, and the frontage road constructed when requested by Traffic Engineering.

The petitioner has agreed to the above stated conditions and has submitted a covenat to that effect. The covenant will be recorded when/if the ordinance is approved. A copy of the covenant is attached to the original ordinance and is on file in the Plan Commission Office.

## POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

**Project Start**

**Date** May 17, 1985

**Projected Completion or Occupancy**

**Date** November 18, 1985

**Fact Sheet Prepared by**

**Date** November 18, 1985

Patricia Biancaniello  
**Reviewed by**

**Date** November 18, 1985

*Gary Sauter*  
**Reference or Case Number**



## RECEIPT

No 12000

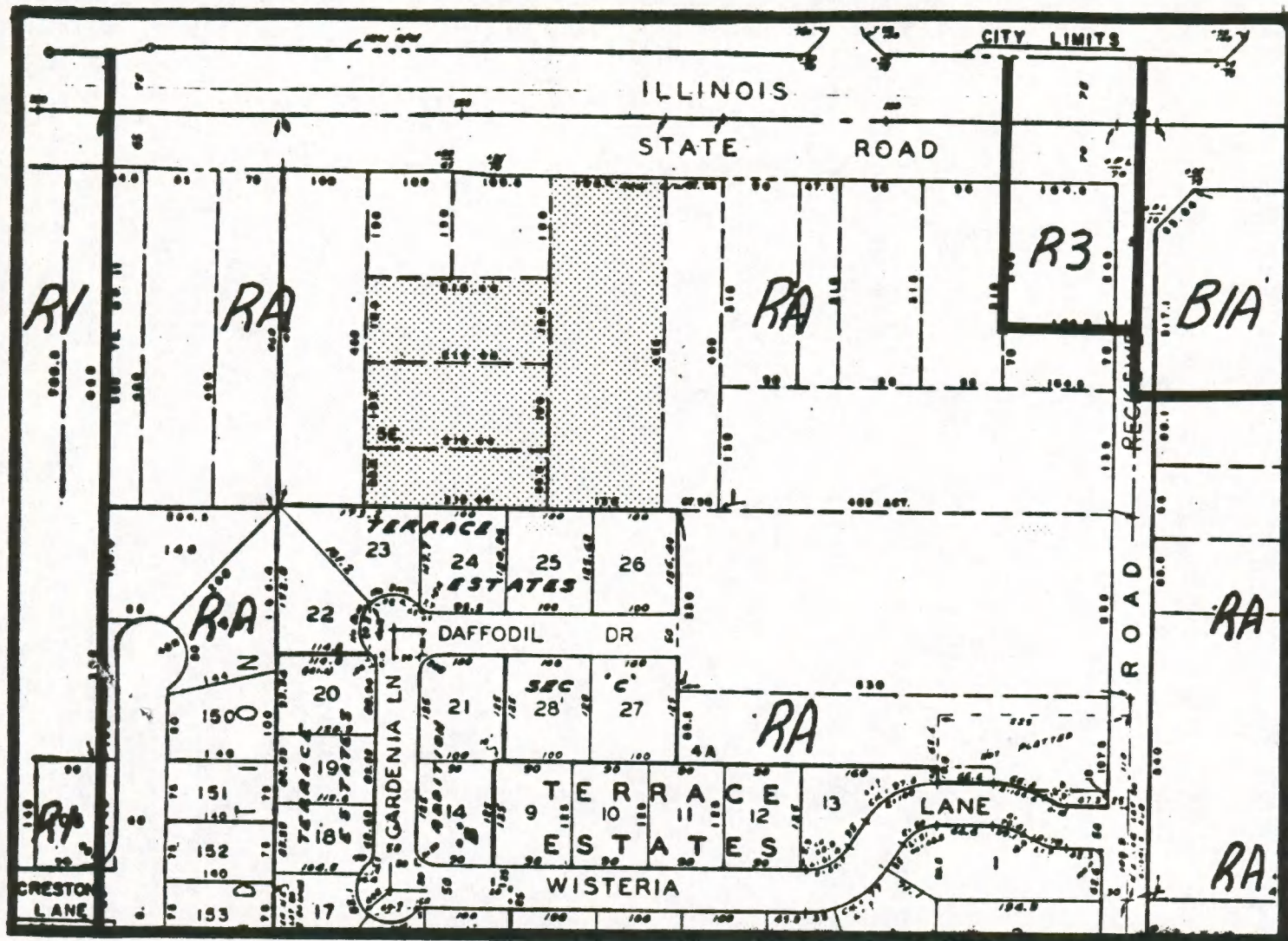
COMMUNITY DEVELOPMENT &amp; PLANNING

FT. WAYNE, IND., 5-17 1985RECEIVED FROM Austin C. Hanauer \$ 50.00THE SUM OF Fifty & 00/100 100 DOLLARSON ACCOUNT OF Reserve - 5129 5131 & 5137  
Sullivan's Rd. from RA to PODcheck  
520B. Steele

AUTHORIZED SIGNATURE



GENERAL LOCATION MAP FOR 5129, 5131 & 5137 ILLINOIS RD.



Zoning:

Land Use:

- RA** RESIDENCE 'A'
- R1** RESIDENTIAL DISTRICT
- R3** RESIDENTIAL DISTRICT
- BIA** LIMITED BUSINESS "A"

BILL NO. Z-85-06-35





BILL NO. Z-85-06-35

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) <sup>XXXXXXXXXX</sup> amending the City of Fort  
Wayne Zoning Map No. F-2

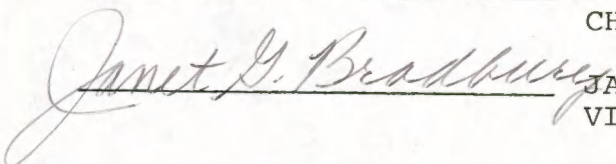
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)

YES

NO



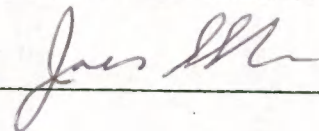
CHARLES B. REDD  
CHAIRMAN

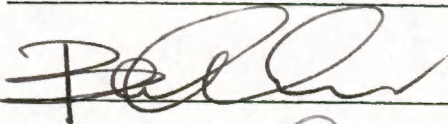


JANET G. BRADBURY  
VICE CHAIRWOMAN

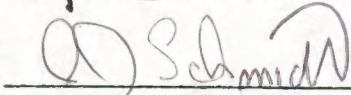
\_\_\_\_\_

JAMES S. STIER





BEN A. EISBART



DONALD J. SCHMIDT

CONCURRED IN 11-26-85

SANDRA E. KENNEDY  
CITY CLERK